

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES BRYANT**

**v.**

**THERESA DELBALSO, THE DISTRICT  
ATTORNEY OF THE COUNTY  
OF PHILADELPHIA and THE  
ATTORNEY GENERAL OF THE  
STATE OF PENNSYLVANIA**

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**CIVIL ACTION**

**NO. 18-5017**

**ORDER**

**NOW**, this 30th day of September, 2019, upon consideration of the Petition Under 28 U.S.C. § 2254 for a Writ of *Habeas Corpus* (Document No. 2), the response to the Petition for Writ of *Habeas Corpus*, the petitioner's reply, and the Report and Recommendation filed by United States Magistrate Judge Marilyn Heffley (Document No. 15), and the petitioner's objections to the Report and Recommendation, and after a thorough and independent review of the record, it is **ORDERED** that:

1. The Petition for Writ of *Habeas Corpus* is **DISMISSED WITHOUT PREJUDICE**;
2. The petitioner's objections are **OVERRULED**;
3. The Report and Recommendation of Magistrate Judge Marilyn Heffley is **APPROVED** and **ADOPTED**; and
4. There is no probable cause to issue a certificate of appealability.

/s/ TIMOTHY J. SAVAGE J.